GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:4590
ANSWERED ON:14.12.2016
Vacancy in High Court Benches
Sawant Shri Arvind Ganpat;Tumane Shri Krupal Balaji;Verma Smt. Rekha Arun

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of posts of judges lying vacant in various High Court benches in the country, State-wise and bench-wise;
(b) the time since when the said posts have been lying vacant along with the reasons therefor;
(c) the time by which the said posts are likely to be filled up;
(d) the bench-wise number of pending cases; and
e) the efforts being made by the Government to fill up the said posts and reduce the number of pending cases?

Answer

ANSWER
Minister of State for Law and Justice and Electronics and Information Technology.
(SHRI P.P. CHAUDHARY)
(a) to (e) : As on 01.12.2016, 431 posts are vacant in various High Courts, which include 173 newly created posts in the High Courts during the period 2014 to 2016. Vacancies do keep on arising on account of retirement, resignation, elevation of Judges, increase in Judge Strength etc. A statement indicating sanctioned strength, working strength and vacant posts of Judges in High Courts is placed at Annexure.I
The Supreme Court vide its Order dated 16.12.2015 on improvement in the 'Collegium System" have directed that the Government of India may finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Supreme Court Collegium. The Government of India after due deliberations proposed changes in the existing MoPs. The changes proposed in the draft MoP's were sent to the Hon'ble Chief Justice of India vide letter dated 22.3.2016. The response of the Supreme Court was received on 25.5.2016 and 01.07.2016. The views of the Government were conveyed to the Chief Justice of India on 3.8.2016.

: 2 :
As the process of finalization of the revised Memorandum of Procedure (MoP) for appointment of Judges to the Supreme court and High courts was likely to take some time, on the initiative of the Government of India the matter was taken up with the Supreme Court and the process of appointment of Judges has been resumed, pending finalization of the revised MoP. Presently, all appointment of Judges to the Supreme Court and High Courts are being processed as per the existing MoP.
During the current year, as on 09.12.2016, 126 fresh appointment of Judges have been made to the High Courts and 124 Additional Judges of High Courts have been made Permanent.
Delay in filling up of vacancies is due to the fact that the High Courts are not initiating the proposals six months prior to the occurrence of the vacancies. Other reasons are around 30% rejection of recommendations of High Court Collegiums by the Supreme Court Collegium and recommendations are yet to be received for about 50% vacancies from the High Courts.
A Statement indicating number of pending cases in the High Courts as on 31.12.2015 is at Annexure.II. Disposal of pending cases in courts is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers/judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.
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Annexure-I

Statement referred to in reply to parts (a) to (e) of Lok Sabha Unstarred Question No.4590 due for answer on 14.12.2016 showing the Approved strength, Working Strength and Vacancies of Judges in the High Courts

(As on 01.12.2016)

Sl. No.	Name of the High Court	Approved Strength	Working Strength	Vacancies as per Approved Strength
1	Allahabad	160	87	73
2	High Court of Judicature at Hyderabad	61	23	38
3	Bombay	94	62	32
4	Calcutta	72	38	34
5	Chhattisgarh	22	11	11
6	Delhi	60	39	21
7	Gauhati	24	17	07
8	Gujarat	52	31	21
9	Himachal Pradesh	13	10	03
10	Jammu & Kashmir	17	10	07
11	Jharkhand	25	13	12
12	Karnataka	62	30	32
13	Kerala	47	38	09
14	Madhya Pradesh	53	39	14
15	Madras	75	57	18
16	Manipur	05	03	02
17	Meghalaya	04	03	01
18	Orissa	27	18	09
19	Patna	53	27	26
20	Punjab& Haryana	85	46	39
21	Rajasthan	50	34	16
22	Sikkim	03	02	01
23	Tripura	04	03	01
24	Uttarakhand	11	07	04
Total		1079	648	431

Annexure-II

Statement referred to in reply to parts (a) to (e) of Lok Sabha Unstarred Question No.4590 due for answer on 14.12.2016 regarding pendency of cases in High Courts

Sl. No	High Court	Case Type	Opening balance as on 01.01.2015	Institution	Disposal	Pendency As on 31.12.2015
1	Allahabad	Civil	552302	144815	137618	559499
		Criminal	348547	138463	127680	359330
		Total	900849	283278	265298	918829
2	Andhra Pradesh	Civil	216157	63004	47100	232061
		Criminal	33544	19257	14590	38211
		Total	249701	82261	61690	270272
3	Bombay	Civil	189946	70588	60632	199902
		Criminal	42869	24847	21177	46539
		Total	232815	95435	81809	246441
4	Calcutta	Civil	186391	52716	57763	181344
		Criminal	40052	17371	17485	39938
		Total	226443	70087	75248	221282
5	Delhi	Civil	51464	31578	30080	52962
		Criminal	15525	14401	14104	15822
		Total	66989	45979	44184	68784
6	Gujarat	Civil	57670	29731	30701	56700
		Criminal	30330	30746	30704	30372
		Total	88000	60477	61405	87072
7	Gauhati	Civil	20410	12694	11935	21169
		Criminal	4848	2187	2256	4779
		Total	25258	14881	14191	25948
8	Himachal Pradesh	Civil	27118	10622	16816	20924
		Criminal	4707	3393	2491	5609
		Total	31825	14015	19307	26533
9	Jammu &Kashmir	Civil	49660	14214	11766	52108
		Criminal	3492	1848	995	4345
		Total	53152	16062	12761	56453
10	Karnataka	Civil	196677	128304	107346	217635
		Criminal	17443	16981	14605	19819

Total 214120 145285 121951 237454
11 Kerala Civil 109392 71815 59901 121306
Criminal 36514 21100 21551 36063
Total 145906 92915 81452 157369
12 Madras Civil 228914 97889 76670 250133
Criminal 34655 64124 64484 34295
Total 263569 162013 141154 284428
13 Madhya Pradesh Civil 166958 70487 65592 171853
Criminal 91755 62487 52268 101974
Total 258713 132974 117860 273827
14 Orissa Civil 163119 35175 67546 130748
Criminal 38963 37300 37558 38705
Total 202082 72475 105104 169453
15 Patna Civil 81256 27073 29227 79102
Criminal 56995 62944 70303 49636
Total 138251 90017 99530 128738
16 Punjab & Haryana Civil 209167 68635 68958 208844
Criminal 70532 59985 51010 79507
Total 279699 128620 119968 288351
17 Rajasthan Civil 170222 51034 38755 182501
Criminal 58131 45820 41586 62365
Total 228353 96854 80341 244866
18 Sikkim Civil 68 144 131 81
Criminal 40 63 70 33
Total 108 207 201 114
19 Uttarakhand Civil 16669 9999 8108 18560
Criminal 6436 7272 5588 8120
Total 23105 17271 13696 26680
20 Chhattisgarh Civil 28209 16996 14069 31136
Criminal 16868 13930 11823 18975
Total 45077 30926 25892 50111
21 Jharkhand Civil 42490 9700 9620 42570
Criminal 38325 21218 21694 37849
Total 80815 30918 31314 80419
22 Tripura Civil 3772 2197 3484 2485
Criminal 693 747 888 552
Total 4465 2944 4372 3037
23 Manipur Civil 2903 1843 1567 3179
Criminal 120 60 44 136
Total 3023 1903 1611 3315
24 Meghalaya Civil 497 579 500 576
Criminal 20 73 72 21
Total 517 652 572 597
All High Courts Total civil 2771431 1021832 955885 2837378
All High Courts Total criminal 991404 666617 625026 1032995
Grand Total of all High Courts 3762835 1688449 1580911 3870373